



Docket No.: 06011/38140
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Puterbaugh *et al.*

Application No.: 10/678,611

Confirmation No.: 9430

Filed: October 3, 2003

Art Unit: 2834

For: ELECTRIC MOTORS FOR WASHDOWN,
FOOD PROCESSING AND CHEMICAL
APPLICATIONS

Examiner: Preston, Erik D.

AFFIDAVIT OF MARK HILL UNDER 37 CFR §1.132

I, Mark Hill, declare as follows:

1. I am vice-president and part owner of Hill's Electric Motor Service, Inc., of Linkwood, Maryland. Hill's has been in the business of motor and power transmission sales and service in the Delmarva Peninsula for 43 years.

2. The purpose of this affidavit is to submit evidence of secondary considerations, including commercial success and long-felt need, in order to rebut obviousness rejections in an Office action dated August 24, 2005.

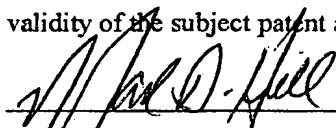
3 Hill's Electric Motor Service, Inc. has sold washdown motors of substantially every type to the food processing and poultry industries for the last 43 years. We sell Franklin Electric Cos.' HydroDuty[®] washdown motor, as well as those of seven other significant motor manufacturers. We are considered by many companies in the Mid-Atlantic region to be the "washdown experts." Some of our focus customers include Tyson Foods, Perdue Farms, and Mountaire Farms. In addition to selling virtually every type of washdown motor ever built, we even have experimented with designs of our own. We have spent many hours trying to develop a product that would be washdown by design and not just by name.

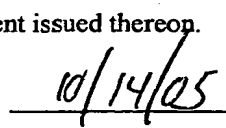
4. When the Franklin HydroDuty motor was shown to us, we knew this was the product we had always dreamed of building. It has a unique group of features that make it like no other washdown ever offered. Historically, washdown motors of other brands have had a sanitary appearance, but lasted only slightly longer than a regular motor. On average, we would see motors lasting from three weeks to three months. It was very seldom to see motors last any longer. In fact, our first HydroDuty motor install went on a liver harvester at a poultry plant where regular washdown motors would typically last only three to five days. That was a year and a half ago and the original HydroDuty motors are still running.

5. The HydroDuty motors are sold at a premium price. For example, Hill's sells HydroDuty motors for about twice that of a comparably sized, competitor's stainless steel, washdown motor.

6. After buying just one or two HydroDuty motors, most customers realize the search is over. I estimate Hill's sales of HydroDuty motors for 2005 will be approximately double those of 2004. I estimate Hill's sales of HydroDuty motors for 2006 will increase another 75% from those of 2005. Franklin has built a motor that reinvents the washdown. Our company and myself personally can appreciate the power of this product. It is exciting to sell solutions to our customers. We are fortunate to have been allowed to introduce these motors in our area. It seems odd to thank a vendor for being allowed to sell a product, but we are thankful. No other washdown motors can do what the Franklin HydroDuty motors have done. They last and last!

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the subject patent application or any patent issued thereon.


Mark Hill


Date